

Utah Building Stone Supply
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Jan. 24, 2001

Donald E. Peterson – District Ranger
Burley/Twin Falls Ranger District
3650 South Overland Ave.
Burley, Idaho 83318-0430

Dear Pete:

I am in receipt of your letter of Jan. 22, 2001. It was/is my understanding that all surveys and assessments had been completed for areas that I had identified as planned disturbances incident to my L.M.O. Plan for the Dove Creek Quarry. This Plan was first submitted in the fall of 1995, and initially reviewed sometime prior to January of 1996. (see enclosed review copy) This Plan proposed treatments to the areas that I believe are in question of such a nature that an EA was required. These areas included portions of the now infamous quarry access road, and the quarries to which it would provide access. At table 1, (see enclosed copy) of the Plan as submitted in April of 1998, proposals are clearly laid out for quarry development and access road improvements in the NW ¼ of sec. 13 as early as summer of '98. A little less than 1 year later I received a formal notice of non-compliance from you for both the Dove Creek and Lynn Spring operations. (please see enclosed copy dated March 17, 1999) The letter clearly states that both the Plans could be approved "as soon as sufficient bonds have been provided". It doesn't mention incomplete EA work, only the provision of the necessary bonds.

If the EA has in fact not been completed on these certain portions of planned/proposed areas of disturbance incident to a Plan which has been in the review and approval process for over 5 years, then I believe that you would have to agree that there have been some real oversights, and that the

blame for the debacle of last fall should be shared by all involved in the process, including the regulators. I do not know how such an oversight could be justified for even one year, let alone five. All we want to do is exercise our right to enter our valid claims and extract stone. As mining goes, the quarrying of building stone of this nature is a benign treatment of the surface at worst. Now, supposing the EA process is found to be incomplete, I am informed in effect, that if I want it completed in any sort of a reasonable period, I can hire a consultant to do it.

Your estimate of a time requirement for the "in house" completion of the NEPA requirements boggles the mind. I have enclosed a copy of a time line furnished to me by you at our meeting last fall which indicates a requirement of 180 days for the completion of the process. Have there been such changes to your staff since that time as to so drastically effect the time requirement? We discussed it rather at length that day. Your statement of three years seems to me to be a round about way of stating that you don't much care if we ever get up there or not. I understand your staffing problems at present, but as I review paragraph 4 of your Jan. 22 letter it is apparent that you intend to oversee the entire NEPA process including adherence to any pertinent regulations, and evaluation of principal's of consultants and subs. as to expertise. It seems then, that you lack only an individual to complete any required field- work. Wouldn't it be possible to "borrow" a mineral's specialist from an adjacent District or Agency to attend to the completion of the EA field requirements as they may relate to my specific case? It is my understanding that necessary MOU's are in place.

Perhaps you are still angry with us for what you perceive to have been an egregious act by ourselves, and others, last fall. For our part in the mess, we apologize profusely. We did not venture onto the Forest, and in blatant disregard of regulation, start ripping the world apart, as has been alluded to. We were guilty of not being aware of how detailed certain points to our Plan must be prior to implementation. We were of the understanding that our Plan had obtained final approval, and with bonds in place, we proceeded. No one from your office had given us any idea that there were as yet, unfulfilled requirements with respect to our Plan.

With respect to the infamous road. Had anyone from any of the pertinent regulatory agencies even casually reviewed the Base Map as submitted, they most assuredly would have noticed that the road was too steeply pitched as it approached the respective quarries, and was too rough

and sidled along it's entire length to have been an acceptable mine road. The operator could then have been made aware of this particular flaw and worked with the Forest and others to amend it.

I guess what is bothering me most about this deal is that it seems the only entity in this entire scenario that is accountable is the operator. If the Forest requires 8 years to fulfill it's stewardship it just takes them, no questions asked. If it is remiss in the review of Plans as submitted, the operator is obliged to just wait it out, as long as it may take. The operator has no recourse. He cannot place the regulator in non-compliance. It doesn't seem to matter whether he is able to work or not. His plans, proposals, ideas, and marketing strategies just don't matter. His rights in the final analysis just don't matter. And if he doesn't like it he can just quit and do something else. But let him vary even minutely from the Plan, or be slightly remiss in his vigilance to compliance, and he is busted straight away. His operation is shut down, which stops his cash flow, and he is stamped with a title of non-compliance, which brands him a no good for the rest of his career.

There seems to be no such thing as a shortage of field operatives with the regulators when it comes to investigating, at length, acts of alleged non-compliance. Clearly the approval process of mines and quarries does not enjoy the same priority as policing the operators of those mines and quarries but rather, is a non-priority, and likely looked upon as something abhorrent. There is no other conclusion that can be drawn as one studies the history of the Approval Process of the Dove Creek Quarry L.M.O.

I am desperately hopeful that these studies, surveys, and assessments have been completed as they relate to my operation at Clarks Basin, and that as you research the file you will find this to be so. There doesn't seem to me to be any good reason for them not to have been completed. After all, it has been 5 years. Please, whatever your perception of me is, don't be personally offended by the language of this letter. I'm certain that you can relate to a man's frustration. That's basically what fueled these paragraphs. I mean no personal offense, but I just don't understand what has been going on with my Plan. If you can assist me in understanding I would greatly appreciate it.

Sincerely,

A handwritten signature in cursive script that reads "Bill Bown".

William L Bown

Cc: Mr. Wayne Hedberg – Permit Supervisor, State of Utah, UDOGM
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